

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PETER RUDOLPH, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

UT STARCOM, et al.,

Defendants.

No. C 07-04578 SI

CLASS ACTION

**ORDER APPOINTING LEAD
PLAINTIFF AND LEAD COUNSEL**


Currently before the Court is the motion filed by James R. Bartholomew to be appointed lead plaintiff, and the related motion to approve lead counsel. This motion was initially opposed by the Detectives' Endowment Association Annuity Fund ("the Fund"), but the Fund has since withdrawn its opposition as well as its own motion to be appointed lead plaintiff.

As required by 15 U.S.C. § 78u-4(a)(3)(A)(I), the notice of this action was published on *PR Newswire*, a widely circulated national business-oriented publication. *See* Punzalan Decl., Ex. B; Glancy Decl., Ex. A. The notice set a 60 day window for class members to appear and move for appointment as lead plaintiff, by November 5, 2007. Bartholomew has also filed a timely motion for appointment as lead plaintiff and has submitted an acceptable sworn certification. *See* Punzalan Decl., Ex. A. The Court finds that Bartholomew is presumptively the most adequate plaintiff because he "has the largest financial interest in the relief sought by the class" and "otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure." *In re Cavanaugh*, 306 F.3d 726, 730 (9th Cir. 2002) (quoting 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)). Because no other class member has attempted to rebut this presumption, *id.* at 730, the Court GRANTS Bartholomew's motion to be appointed lead

1 plaintiff [Docket No. 19]. In addition, Bartholomew has selected Finkelstein Thompson LLP as his
2 counsel. The Court approves, *id.* at 732 & n.11; 15 U.S.C. § 78u-4(a)(3)(B)(v), and therefore GRANTS
3 the motion to appoint Finkelstein Thompson LLP as lead counsel.

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5 **IT IS SO ORDERED.**

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7 Dated: December 18, 2007

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10 SUSAN ILLSTON
11 United States District Judge
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